

70. The Infrastructure Owners concur with those Commenters who have proposed a simple approach to determining the proportionate share of accessibility costs. A proportionate share of accessibility costs should be calculated, by dividing them equally among the entities (including the utility, if applicable) which elect to add to or modify their attachments.^{143/} Any suggestion to the contrary belies the clear language of the statute. For example, Time Warner suggests that the determination of proportionate share lies in the application of a "but for" test.^{144/} "If the attaching entity's addition or modification does not increase the Facility Owner's cost of modification or alteration beyond that which it would have incurred if the attaching entity had made no corresponding modification or addition, then the attaching entity should pay no portion of the owner's cost of the construction."^{145/} Notwithstanding the fact that this test is intended to apply to modifications, which are not contemplated by Section 224(h), Time Warner is proposing to give attaching entities a free ride with respect to access despite the clear Congressional intent that attaching entities bear their proportionate share of accessibility costs.^{146/} In

^{142/} (...continued)
context of a rulemaking to implement Section 224(i) of the Pole Attachments Act. Section 224(i) is not at issue in this proceeding, however. Thus, discussion of that section is premature and should be ignored.

^{143/} See also Delmarva at 25.

^{144/} Time Warner at 16.

^{145/} Id.

^{146/} H.R. Rep. No. 458, 104th Cong., 2d. Sess. 207 (1996).

determining proportionate share, the Commission need look no further than the plain language of Section 224(h).

C. Offsets to Potential Revenues and Limits on Owner Modifications and Alterations are Beyond the Scope of Section 224(h)

71. Many Commenters, including UTC/EEI, support the position of the Infrastructure Owners that the possible increase in revenues to the facility owner is completely irrelevant to the payment of access costs by the attaching entity.^{147/} Moreover, the offset to revenue suggestion has no foundation in Section 224(h). "Offsetting [] costs with potential revenue increases would utterly disregard the clearly-expressed intent of Congress by shifting this cost entirely to the facility owner."^{148/}

72. In their Comments, the Infrastructure Owners noted the difficulty associated with calculating potential revenues.^{149/} Many Commenters echoed this position by noting that to offset proportionate share payments by potential revenues is unfair and unjust.^{150/} Moreover, in imposing a revenue offset requirement on infrastructure owners, the Commission would be forcing utilities to make a speculative investment, with the best possible outcome that the utility is able to break even by actually

^{147/} UTC/EEI at 16.

^{148/} Ohio Edison at 28.

^{149/} Infrastructure Owners at 57.

^{150/} See, e.g., Bell Atlantic at 16; Northeast Utilities at 7; ConEd at 15; Delmarva at 25; KCPL at 6; PECO Energy at 10.

recovering its potential revenue.^{151/} "The notion of charging electric utilities with some speculative revenue increase places the burden of paying for the costs of developing telecommunications competition, and subsidizing telecommunications carriers, on electric utility ratepayers."^{152/} Utilities are not in the construction business; modifying or altering their facilities is simply a necessity of providing reliable electric service; it is not performed for the purpose of gaining revenues. Providing safe and reliable electric service always remains the paramount concern of electric utilities.

73. Finally, in their Comments, the Infrastructure Owners noted that the Commission's question as to whether limitations should be imposed on an owner's right to make modifications to its infrastructure, like the revenue offset proposal, has no foundation in Section 224(h).^{153/} Other parties agreed.^{154/} Section 224(h) does not require attaching entities to respond to an owner's notification of modification or alteration. To limit the owner's ability to even make such a modification or alteration does violence to the clear language of the law. Section 224(h) is about notice and the opportunity to share in costs, it does not address the ability or the inability of owners to make modifications to their facilities.

^{151/} Massachusetts Electric et al. at 17.

^{152/} Id.

^{153/} Infrastructure Owners at 56-58.

^{154/} See, e.g., GTE at 28; Ohio Edison at 28-29; PNM at 30-31; UTC/EEI at 17 ("This issue is beyond the scope of this rule-making.").

74. Teleport has seized on this Commission question and has actually proposed that owners of infrastructure "be prohibited from making modifications or alterations to a particular pole, duct, conduit or right-of-way more than one time in any two year period."^{155/} This suggestion is absurd. As set forth above, the core business of electric utilities is to provide electric service. The Commission must not lose sight of the public interest aspects of electric service -- a service used and relied on by virtually every person in this country daily. The Pole Attachments Act does not contemplate that electric service will be compromised for the sake of competition in the telecommunications industry.

CONCLUSION

75. The Infrastructure Owners again urge the Commission to adopt a fair, balanced and reasonable approach to the requirements of Sections 224(f) and 224(h) that respects the overall deregulatory nature of the 1996 Act. Consistent with that deregulatory theme, the Infrastructure Owners suggest regulatory forbearance. Voluntary negotiations should replace detailed, unworkable regulations. If, however, the Commission determines that some guidance is necessary, that guidance should be in the form of flexible, practical principles, that can be useful guidelines to negotiating parties. Utilities have at least two strong economic incentives to resolve access questions through negotiations: The prospect of enhanced revenues and the avoidance of costly and time-consuming litigation.

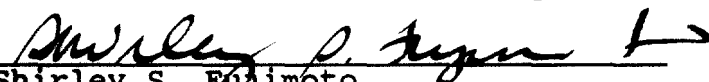
^{155/} Teleport at 10.

76. The Commission must be mindful of the importance of electric service. Electric service is critical. The Commission must not act in a manner that threatens or compromises a safe and reliable nationwide electric service. Utilities must retain wide latitude to protect that service for the good of the public.

WHEREFORE, THE PREMISES CONSIDERED, the Infrastructure Owners respectfully request that the Commission act upon the pole access and related issues raised in Paragraphs 220-225 of the Interconnection NPRM in a manner consistent with the views expressed in their Comments and Reply Comments.

Respectfully submitted,

American Electric Power Service Corp.
Baltimore Gas & Electric Company
Central Power & Light Company Common-
wealth Edison Company
Entergy Services, Inc.
Florida Power & Light Company
Montana Power Company
Northern States Power Company
Otter Tail Power Company
The Southern Company
Tampa Electric Company
Washington Water Power Company
Wisconsin Electric Power Company
Wisconsin Public Service, Corp.


Shirley S. Fujimoto
Christine M. Gill
Carole C. Harris
Kris Anne Monteith
McDermott, Will & Emery
1850 K Street, N.W., Suite 500
Washington, D.C. 20006
(202) 887-8000

Their Attorneys

Dated: June 3, 1996

APPENDIX I

INFRASTRUCTURE OWNER COMPANY DESCRIPTIONS

American Electric Power Service Corporation, a wholly-owned subsidiary of American Electric Power Co., Inc., is an organization which provides administrative, engineering, financial, legal and other services to the operating companies of American Electric Power Co., Inc. American Electric Power Co., Inc. is a public utility holding company registered under the Public Utility Holding Company Act of 1935, and holds all of the issued and outstanding common stock of the following companies: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Ohio Power Company, Columbus Southern Power Company, Kingsport Power Company, and Wheeling Power Company.

Baltimore Gas and Electric Company is an investor-owned public utility that provides gas and electric service to more than 2.6 million residents in central Maryland, over a 2,300 square-mile area.

Commonwealth Edison Company ("ComEd") is an investor-owned public utility that supplies electricity to approximately 3.3 million retail customers in a service territory that includes roughly the northern one-third of Illinois and includes the city of Chicago and its suburbs. ComEd and its parent holding company, Unicom Corporation, are corporations organized and existing under the laws of the State of Illinois. ComEd is

subject to the jurisdiction of the Illinois Commerce Commission as a public utility. ComEd also provides wholesale requirements service to several municipalities located in its service area. With respect to that service, as well as to coordination agreements ComEd has with numerous other electric suppliers for the interstate transmission of energy, ComEd is subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC").

Duke Power Company ("DPC") supplies electricity to more than 1.7 million residential, commercial, and industrial customers in a 20,000 square-mile service area in North Carolina and South Carolina. DPC owns solely, or jointly, 1,772,732 electric distribution poles.

Entergy Services, Inc. is a subsidiary of Entergy Corporation, a public utility holding company organized pursuant to the provisions of the Public Utility Holding Company Act of 1935. Entergy Corporation owns all of the outstanding shares of common stock of the following five operating company subsidiaries: Entergy Arkansas, Inc. (formerly Arkansas Power & Light Company), Entergy Gulf States, Inc. (formerly Gulf States Utilities Company), Entergy Louisiana, Inc. (formerly Louisiana Power & Light Company), Entergy Mississippi, Inc. (formerly Mississippi Power & Light Company), and Entergy New Orleans, Inc. (formerly New Orleans Public Service, Inc.) (collectively, the "Entergy Operating Companies"). The Entergy Operating Companies engage in the manufacture, generation, transmission, distribution, and sale of electricity to more than 2.3 million

retail customers throughout 112,000 square miles of Arkansas, Louisiana, Texas, and Mississippi. Entergy Services, Inc. provides engineering, transmission, distribution planning, financial, human resource, tax, accounting, legal, and other services to the Entergy Operating Companies.

Florida Power & Light Company ("FPL") is the fourth largest investor-owned electric utility in the United States serving 3.5 million customers. FPL is a corporation organized and existing under the laws of the State of Florida and is a principle subsidiary of FPL Group, Inc. FPL is regulated by the Florida Public Service Commission. FPL's service territory covers 27,650 square miles in all or part of 35 Florida counties, most of the east coast of Florida, and the west coast of Florida south of the Tampa Bay area, including the municipalities of Miami, Ft. Lauderdale, West Palm Beach, Daytona Beach, and Sarasota.

Metropolitan Edison/Pennsylvania Electric Company is a wholly owned subsidiary of General Public Utilities Corporation ("GPU") and serves over 1.1 million customers in a 45-county area in Pennsylvania (and a small area in New York). Other subsidiaries of GPU include Jersey Central Power and Light, GPU Nuclear, GPU Service, GPU Generation (Genco), and Energy Initiatives, Inc.

Montana Power Company is an energy company headquartered in Butte, Montana. Its Utility Division operates electric and natural gas systems, serving 272,000 electric customers and 136,000 natural gas customers. Its electric system serves an area of 97,540 square miles, and its gas system serves an area of

70,500 square miles. The electric system consists of 6,911 miles of transmission line and 15,225 miles of distribution line.

Northern States Power Company ("NSP"), headquartered in Minneapolis, Minnesota, is a major utility company with growing domestic and overseas non-regulated energy ventures. NSP and its wholly-owned subsidiary, Northern States Power Company-Wisconsin, operate generation, transmission, and distribution facilities providing electricity to about 1.4 million customers in Minnesota, Wisconsin, North Dakota, South Dakota, and Michigan. The two companies also distribute natural gas to more than 400,000 customers in Minnesota, North Dakota, and Michigan, and provide a variety of energy-related services throughout their service areas.

Otter Tail Power Company is a small investor-owned, FERC-jurisdictional electric utility, serving 123,000 customers in a 50,000 square-mile service area. Otter Tail's service territory encompasses roughly the eastern half of North Dakota, the western one-third of Minnesota, and the northeastern corner of South Dakota. Otter Tail's retail load is predominately rural. Although Otter Tail serves approximately 437 communities, only one has a population greater than 15,000.

Pacific Gas & Electric Company is one of the largest investor-owned gas and electric utilities in the United States. It serves 4.3 million electric customers and 3.5 million gas customers in northern and central California. It maintains approximately 2 million solely- and jointly-owned wood distribution poles to provide its electric service.

The Southern Company is the parent firm of five electric utilities: Alabama Power, Georgia Power, Gulf Power, Mississippi Power, and Savannah Electric. Other subsidiaries include Southern Electric International, Southern Nuclear, Southern Development and Investment Group, Southern Communications Services, Inc., and Southern Company Services.

The Southern Company supplies energy to a 120,000-square mile U.S. service territory spanning most of Georgia and Alabama, southeastern Mississippi, and the panhandle region of Florida -- an area with a population of about 11 million. Through its Southern Electric International unit, The Southern Company also supplies electricity to customers in a number of other states and in Argentina, England, Chile, the Bahamas, Trinidad, and Tobago.

Tampa Electric Company ("TECO") is a tax-paying, investor-owned electric utility, incorporated in 1899. Its service area is relatively compact, comprised of about 2,000 square miles including almost all of Hillsborough County and parts of Pasco, Pinellas, and Polk Counties in the State of Florida. TECO has several generating plants and owns and operates approximately 313,000 distribution poles used to serve its approximately 500,000 customers. In addition, approximately 11,250 electric distribution poles are use-shared with the local exchange carrier pursuant to a joint use agreement.

Union Electric Company is headquartered in St. Louis. Union Electric supplies energy services to a diversified region in the heart of America -- 24,500 square miles that cover most of eastern Missouri and a small portion of Illinois. Its 6,190

employees provide dedicated service to 1.1 million electric customers and 121,000 gas customers.

Washington Water Power Company is an energy services company with operations in five western states. The company provides electric service to 291,000 customers in eastern Washington and northern Idaho, and provides natural gas service to 227,000 customers in parts of four states: Washington, Idaho, Oregon, and California.

Wisconsin Electric Power Company, a subsidiary of Wisconsin Energy Corp., provides electricity, natural gas, and/or steam service to about 2.3 million people in southeastern Wisconsin (including the Milwaukee area), the Appleton area, the Prairie du Chien area, and in northeastern Wisconsin and Michigan's Upper Peninsula.

Wisconsin Public Service Corporation is a public utility engaged in the production, transmission, distribution, and sale of electricity to approximately 340,100 customers, and in the purchase, distribution, and sale of natural gas to approximately 184,800 customers in northeastern Wisconsin and adjacent parts of upper Michigan. Cities that the company serves with retail electric energy or natural gas include Green Bay, Oshkosh, Sheboygan, Wausau, Stevens Point, Marinette, and Rhineland in Wisconsin, and Menominee in Michigan. Wisconsin Public Service also sells electricity at wholesale rates to numerous utilities and cooperatives.

[DELETIONS APPEAR AS STRUCK-THROUGH TEXT
ADDITIONS APPEAR AS BOLD AND DOUBLE UNDERLINED TEXT]

APPENDIX II

PROPOSED REGULATIONS TO IMPLEMENT THE NONDISCRIMINATORY ACCESS AND WRITTEN NOTIFICATION PROVISIONS^{1/}

SUBPART J--POLE ATTACHMENT COMPLAINT PROCEDURES

§ 1.1401 Purpose.

The rules and regulations contained in subpart J of this part provide complaint and enforcement procedures to ensure that rates, terms and conditions for cable television and telecommunications carrier pole attachments are just and, reasonable, and nondiscriminatory.

§ 1.1402 Definitions.

(a) The term *utility* means any person whose rates or charges are regulated by the Federal Government or a State and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for wire communications. Such term does not include any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.

(b) The term *pole attachment* means any wire attachment by a cable television system or a provider of telecommunications services to a pole, duct, conduit, or right-of-way owned or controlled by a utility. For purposes of this section, the term "telecommunications carrier" (as defined in 47 U.S.C. § 153(49)) does not include any incumbent local exchange carrier (as defined in 47 U.S.C. § 251(h)).

^{1/} These draft regulations shall not be construed as a waiver of the Infrastructure Owners' position that mandatory access to utilities' poles, ducts, conduits, and rights-of-way raises significant constitutional takings questions. Without conceding that Section 224(f)(1) can be interpreted in a constitutionally permissible way and without waiving any right to challenge the constitutionality of Section 224(f)(1) in any other proceeding or forum, the Infrastructure Owners offer the following comments. These draft regulations address only the nondiscriminatory access and written notification issues involved in the Commission's Interconnection NPRM. Draft regulations addressing the remaining issues related to pole attachments will be submitted in connection with further notices of proposed rulemaking.

(c) The term *usable space* means the space on a utility pole above the minimum grade level which can be used for the attachment of wires, cables, and associated equipment.

(d) The term *nondiscriminatory access* means, when voluntarily granted, an opportunity to gain access to poles, ducts, conduits and rights-of-way on comparable rates, terms and conditions as other competing carriers, consistent with capacity, safety, reliability and generally applicable engineering concerns.

(e) The term *complaint* means a filing by a cable television system operator, a cable television system association, a telecommunications carrier, an association of telecommunications carriers, a utility, or an association of utilities alleging that a rate, term, or condition for a pole attachment is not just and reasonable, and nondiscriminatory.

~~(e)~~(f) The term *complainant* means a cable television system operator, a cable television system association, a telecommunications carrier, an association of telecommunications carriers, a utility, or an association of utilities, who files a complaint.

~~(f)~~(g) The term *respondent* means a cable television system operator, a telecommunications carrier or a utility against whom a complaint is filed.

~~(g)~~(h) The term *State* means any State, territory, or possession of the United States, the District of Columbia, or any political subdivision, agency, or instrumentality thereof.

§ 1.1403 Nondiscriminatory access; denials of access.

(a) *Nondiscriminatory access.* (1) Such access as may be granted to a cable television system or operator or a telecommunications carrier by a utility to poles, ducts, conduits and rights-of-way owned or controlled by it shall be provided on rates, terms and conditions that are nondiscriminatory. The specific rates, terms and conditions of access shall be determined pursuant to voluntary negotiations between the utility and the party seeking access.

(2) Any party seeking access to any utility pole, duct, conduit, or right-of-way shall engage in good faith negotiations with the utility to reach agreement on the rates, terms and conditions of access, prior to filing a complaint with the Commission pursuant to this subpart.

(3) Any party seeking access to any utility pole, duct, conduit, or right-of-way shall make application to the utility for access to any pole, duct, conduit or right-of-way, enter into an agreement with the utility on the rates, terms and conditions of access to any pole, duct, conduit and right-of-way, and obtain

a permit for access to any pole, duct, conduit and right-of-way for which access has been granted.

(4) Any party seeking access to a utility pole, duct, conduit, or right-of-way may be required to demonstrate compliance with applicable federal, state and local laws and regulations, and safety, reliability and engineering standards, including, but not limited to, the National Electrical Safety Code, the National Electric Code, regulations of the Occupational Safety and Health Administration, and the utility's own internal safety standards or specifications, prior to receiving a permit to access any pole, duct, conduit or right-of-way. A utility may deny or terminate access to any pole, duct, conduit or right-of-way if, in its sole discretion, the party fails to so comply or to produce documentation demonstrating compliance with such applicable federal, state and local laws and regulations, and safety, reliability and engineering standards, including, but not limited to, the National Electrical Safety Code, the National Electric Code, regulations of the Occupational Safety and Health Administration, and the utility's own internal safety standards or specifications.

(5) The nondiscriminatory access requirements of this subpart shall be deemed satisfied if a utility, or a party with existing access to the utility's pole, duct, conduit or right-of-way, offers communications capacity to the party seeking access, that is equal to the capacity sought by such party, in lieu of access for a pole attachment.

(b) Denials of access. Notwithstanding paragraph (a), a utility providing electric service may deny any cable television system or any telecommunications carrier access to its poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis, where there is insufficient capacity and for reasons of safety, reliability or generally applicable engineering purposes. The utility's determination as to whether access shall be denied shall include, but not be limited to, the following considerations:

(1) The denial of access shall be based on an individual assessment of capacity, safety, reliability and engineering standards and the utility's own knowledge and expertise, of the suitability of a particular pole, duct, conduit or right-of-way for access (e.g., a pole-by-pole basis);

(2) The utility's determination of whether capacity is sufficient to permit access shall take into account the future needs of the electric utility; the determination of the amount of reserves necessary to meet the utility's future needs shall rest in the exclusive determination of the utility;

(3) The decision as to whether capacity is sufficient to permit access shall be based on the amount of capacity existing at the time of application and the utility's reserves for future needs; the utility shall not be obligated to extend capacity to

accommodate additional access (e.g., by extending the height of the pole);

(4) The utility's decision as to whether denial of access is required for safety, reliability or generally applicable engineering purposes shall include a consideration of applicable federal, state and local laws and regulations, and safety, reliability and engineering standards, including, but not limited to, the National Electrical Safety Code, the National Electric Code, regulations of the Occupational Safety and Health Administration, and the utility's own internal safety standards or specifications; and,

(5) A utility may deny access or terminate existing access to a pole, duct, conduit or right-of-way to any party that is in violation of any applicable federal, state and local laws and regulations, and safety, reliability and engineering standards, including, but not limited to, the National Electrical Safety Code, the National Electric Code, regulations of the Occupational Safety and Health Administration, and the utility's own internal safety standards or specifications.

§ 1.1404 Written notification; accessibility costs.

(a) Written notification. Except as provided in paragraphs (b), (c), and (d) of this section, whenever the owner of a pole, duct, conduit, or right-of-way intends to modify or alter such pole, duct, conduit, or right-of-way, the owner shall provide written notification of such action to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Notification shall not be a guarantee by the owner of the pole, duct, conduit, or right-of-way of access to such pole, duct, conduit, or right-of-way.

(b) If the owner of a pole, duct, conduit, or right-of-way and an attaching entity reach agreement on alternative arrangements with regard to written notification, or written notification is provided for within an agreement existing as of February 8, 1996, the owner shall not be subject to the provisions of this section with respect to that attaching entity, with the exception of paragraph (g).

(c) Written notification shall consist of notification via first class mail, hand delivery, facsimile, or electronic mail; provided that such notification is given at least 10 calendar days prior to the day on which the modification or alteration work is to occur. The provisions of this section shall not apply in the following situations:

(1) The owner of the pole, duct, conduit, or right-of-way is conducting routine maintenance work, including the installation of temporary facilities;

(2) The owner of the pole, duct, conduit, or right-of-way is fulfilling specific customer service requests;

(3) The owner of the pole, duct, conduit, or right-of-way is responding to an emergency situation including, but not limited to, restoration of service;

(4) The attaching entity is unauthorized or is in violation of its attachment agreement with the owner of the pole, duct, conduit, or right-of-way; or

(5) The attaching entity has failed to keep the owner fully apprised of its accurate address and contact person(s). Attaching entities are required to provide the owner with current written notification information, which shall include, at a minimum, contact person, an address (both physical and mailing if different), telephone number, facsimile number, and electronic mail address through which notice can be effected. The attaching entities also are required to advise the owner of changes in ownership or corporate identity.

(d) An owner of a pole, duct, conduit, or right-of-way shall not be subject to the provisions of this section if it permits access to such pole, duct, conduit, or right-of-way at the express request of an existing or new attaching entity, so that entity can perform (or have the owner of the pole, duct, conduit, or right-of-way perform) modifications or alterations to the attaching facility.

(e) Attaching entities shall equally be required to reimburse owners of poles, ducts, conduits, or rights-of-way for actual costs incurred in providing written notification. The owner of a pole, duct, conduit, or right-of-way may use a third party to meet its written notification obligations under this section. In the event a third party service is used, attaching entities are required to cooperate with such service and to bear the expenses for such service, consistent with paragraph (g) below.

(f) If, after receiving notification, any attaching entity desires to add to or modify its existing attachment, it shall respond to the owner of the pole, duct, conduit, or right-of-way prior to the expiration of the 10-day notification period. If the parties fail to reach agreement on the date, time and nature upon which such access shall be granted, the owner of the pole, duct, conduit, or right-of-way shall be under no obligation to provide access for the attaching entity.

(g) Proportionate share of costs of accessibility. Any attaching entity that adds to or modifies its existing attachment after receiving notification under this section shall bear a proportionate (equal) share of the costs incurred by the owner in making such pole, duct, conduit, or right-of-way accessible. Proportionate share shall be calculated by dividing the costs of

accessibility, as determined by the owner, by the number of entities that benefitted by such access.

Example 1. If accessibility costs are \$1,200 and two attaching entities agree to or modified their existing attachments after expelling themselves of the access, the attaching entities and owner shall each have a proportionate share of \$400 ($\$1,200 \div 3$ (two attaching entities and the owner)).

(b) Attaching entities shall be required to mark all attachments (manhole covers, pole attachments, etc.) in accordance with industry standards in order to facilitate written notification as contemplated under this section.

§ 1.1409 Commission consideration of the complaint.^{2/}

(a) * * * *

(b) The complainant shall have the burden of establishing a prima facie case that the rate, term, or condition is not just and reasonable. If, however, a utility argues that the proposed rate is lower than its incremental costs, the utility has the burden of establishing that such rate is below the statutory minimum just and reasonable rate, and nondiscriminatory or that access to a pole, duct, conduit or right-of-way was improperly denied. * * * *

^{2/} At present, the Infrastructure Owners propose regulations to implement only those matters at issue in the Interconnection NPRM. For this reason, the Infrastructure Owners have addressed the burden of proof issue, raised in ¶ 223 of the Interconnection NPRM, but have not addressed other aspects of the Commission's pole attachment complaint process.